

REMARKS/ARGUMENTS

1. In the above referenced Office Action, the Examiner rejected claims 1-4, 6, 9, 10, 14, 15, 17, 19, 21, 24, 26, 29, 31, 33, 35, 38, 40, 42, 43, and 45 under 35 USC § 103 (a) as being unpatentable over Yokozawa (U.S. Patent No. 5,420,739) in view of Allen (U.S. Patent No. 4,442,540). In addition, the Examiner has modified the election/restriction requirement. The rejection has been traversed and, as such, the applicant respectfully requests reconsideration of the allowability of claims 1-46.

2. With respect to the election/restriction requirement, the applicant repeats his arguments presented in the response to the Office Action of 1/31/05. The applicant requests that the Examiner withdraw the election/restriction requirement. If the Examiner rejects the applicant's request for reconsideration, the applicant requests that the Examiner make the election/restriction final so that the applicant may petition the Director to review the requirement for election/restriction. In further support of the applicant's request for withdraw of the election/restriction requirement, the applicant states the following.

For compliance with 37 CFR 1.143, the applicant provisionally elects claims 8-12, 15-17, 23-26, 29-31, 37-40 and 43-45.

The present patent application includes independent claims 1, 14, 19, 28, 33, and 42, all of which have been rejected in the present office action under 35 USC § 103 (a) as being unpatentable over Yokozawa (U.S. Patent No. 5,420,739) in view of Allen (U.S. Patent No. 4,442,540). As such, claims 2-13 are dependent upon claim 1, claims 15-18 are dependent upon claim 14, claims 20-27 are dependent upon claim 19, claims 29-32 are dependent upon claim 28, claims 34-41 are dependent upon claim 33, and claims 43-46 are dependent upon claim 42.

35 USC 112, fourth paragraph, states, in part, "a claim in dependent form shall contain ... a further limitation of the subject matter claimed ... [and] shall be construed to incorporate by reference all the limitations of the claim to which it refers". In the present

patent application, claims 2-13 properly depend from claim 1, claims 15-18 properly depend from claim 14, claims 20-27 properly depend from claim 19, claims 29-32 properly depend from claim 28, claims 34-41 properly depend from claim 33, and claims 43-46 properly depend from claim 42. Thus, by definition, dependent claims 2-13, 15-18, 20-27, 29-32, 34-41, and 43-46 provide additional limitations to the at least one embodiment covered by independent claims 1, 14, 19, 28, 33, and 42, respectively. As such, independent claims 1, 14, 19, 28, 33, and 42 and dependent claims 2-13, 15-18, 20-27, 29-32, 34-41, and 43-46 are providing varying breadth and/or scope of definition of the at least one disclosed embodiment.

MPEP 806.03 states, in part, “where the claims of an application define the same essential characteristics of a *single* disclosed embodiment of an invention, restriction therebetween should never be required. This is because the claims are but different definitions of the same disclosed subject matter, varying in breadth or scope of definition”.

Accordingly, claim 5, 7, 20, 22, 34, 36, 13, 18, 27, 32, 41, and 46 should not be subject to restriction since they are different definitions of the same disclosed subject matter, varying in breadth or scope of definition.

3. Claims 1-4, 6, 9, 10, 14, 15, 17, 19, 21, 24, 26, 29, 31, 33, 35, 38, 40, 42, 43, and 45 have been rejected under 35 USC § 103 (a) as being unpatentable over Yokozawa (U.S. Patent No. 5,420,739) in view of Allen (U.S. Patent No. 4,442,540). The applicant respectfully disagrees with this rejection and the reasoning thereof.

Claim 1 claims a device for processing content data that includes data processing circuitry, a content processing module, and a transceiving module. The data processing circuitry is operably coupled to process data received from an external content display device to produce presentation information. The content processing module is operably coupled to process content data for presentation on the external content display device

based on the presentation information. The transceiving module is operably coupled to the data processing circuitry and the content processing module, wherein the transceiving module separates modulated data from the content data, wherein the transceiving module retrieves the data from the modulated data, and wherein the transceiving module introduces the content data into a channel coupling the device to the external content display device. [emphasis added]

Yokozawa teaches at column 4, lines 39-49, that:

FIG. 1 a portable audio device, shown generally at 200, such as a CD player or tape recorder, has a main unit 210 containing electrical and mechanical components (not shown) for playing tapes or CDs. A remote control unit 214 controls main unit 210. An audio/control cable 215 feeds control signals from remote control unit 214 to main unit 210. Audio signals from main unit 210 are fed through audio/control cable 215, through remote control unit 214, to an earphone set 110. Earphone set 110 is connectable to, and disconnectable from, remote control unit 214 by a first plug 23. [emphasis added]

As such, Yokozawa is teaching a portable audio device that includes three components: the remote control unit 214, the main unit 210, and the earphone set 110, where the remote control unit provides controls signals to the main unit and where the earphone set receives audio signals from the main unit. Yokozawa does not, however, teach or suggest processing data received from an external content display device to produce presentation information and processing content data for presentation on the external content display device based on the presentation information as is claimed in claim 1.

Allen teaches, at column 3, lines 26-42, that:

FIG. 1 discloses the speech interpolation apparatus of this invention in block diagram form. The apparatus comprises an analog-to-digital (A/D) converter 1 for changing the speech signal from analog to digital form; buffers 2 and 6 for holding the digital speech and data signals, respectively; processor 5 for generating control signals in response to both speech and data signals; modem 7 for modulating the data signal above the speech signal; time-varying complementary high-pass, low-pass (HP-LP) filter 3 for operating in response to

control signals from processor 5 on speech and data signals, respectively, from buffer 2 and modem 7; and digital-to-analog (D/A) converter 4 for changing the digital speech and data signals into analog form with the speech signal in a lower segment of the channel bandwidth and with the data signal in an upper segment thereof. [emphasis added]

Allen further teaches, at column 4, lines 23-29, that:

This invention can be characterized as a variable frequency interpolation system in which not only silent intervals in the time domain are used to advantage but also where the speech signal occupies less than full bandwidth in the frequency domain data are inserted into momentarily unused and expandable frequency space above that needed for the speech signal alone. [emphasis added]

As such, Allen is teaching a system for limiting the bandwidth of speech signals and determining silent intervals of the speech signals to insert data signals. Allen does not, however, teach separating modulated data from the content data, retrieving the data from the modulated data, and introducing the content data into a channel coupling the device to the external content display device as is claimed in claim 1.

Thus, combining the teachings of Yokozawa (i.e., a portable audio device that includes three components: the remote control unit 214, the main unit 210, and the earphone set 110, where the remote control unit provides controls signals to the main unit and where the earphone set receives audio signals from the main unit) with the teachings of Allen (i.e., a system for limiting the bandwidth of speech signals and determining silent intervals of the speech signals to insert data signals) does not render claim 1 obvious.

Claims 2-4, 6, 9, and 10 are dependent upon claim 1 and introduce additional patentable subject matter. The applicant believes that the reasons that distinguish claim 1 over the present rejection are applicable in distinguishing claims 2-4, 6, 9, and 10 over the same rejection.

Claim 14 claims a device for processing content data that includes data processing circuitry, a content processing module, and a transceiving module. The data processing circuitry is operably coupled to provide display data to an external content display device. The content processing module is operably coupled to process content data for presentation on the external content display device. The transceiving module is operably coupled to the data processing circuitry and the content processing module, wherein the transceiving module combines the display data and the content data to produce transmit data, wherein the transceiving module provides the transmit data to the external content display device via a channel coupling the device to the external content display device.

The combined the teachings of Yokozawa (i.e., a portable audio device that includes three components: the remote control unit 214, the main unit 210, and the earphone set 110, where the remote control unit provides controls signals to the main unit and where the earphone set receives audio signals from the main unit) and Allen (i.e., a system for limiting the bandwidth of speech signals and determining silent intervals of the speech signals to insert data signals) does not render claim 14 obvious.

Claims 15 and 17 are dependent upon claim 14 and introduce additional patentable subject matter. The applicant believes that the reasons that distinguish claim 14 over the present rejection are applicable in distinguishing claims 15 and 17 over the same rejection.

Claim 19 claims a method for processing content data that includes: receiving modulated data via a channel coupled to an external content display device; introducing the content data into the channel coupling the device to the external content display device; separating the modulated data from the content data; retrieving data from the modulated data; processing the data to produce presentation information; and processing content data for presentation on the external content display device based on the presentation information.

The combined the teachings of Yokozawa (i.e., a portable audio device that includes three components: the remote control unit 214, the main unit 210, and the earphone set 110, where the remote control unit provides controls signals to the main unit and where the earphone set receives audio signals from the main unit) and Allen (i.e., a system for limiting the bandwidth of speech signals and determining silent intervals of the speech signals to insert data signals) does not render claim 19 obvious.

Claims 21, 24, and 26 are dependent upon claim 19 and introduce additional patentable subject matter. The applicant believes that the reasons that distinguish claim 19 over the present rejection are applicable in distinguishing claims 21, 24, and 26 over the same rejection.

Claim 28 claims a method for processing content data that includes: providing display data to an external content display device; processing content data for presentation on the external content display device; modulating the display data to produce modulated display data; combining the modulated display data and the content data to produce transmit data; and providing the transmit data to the external content display device via a channel coupling the device to the external content display device.

The combined the teachings of Yokozawa (i.e., a portable audio device that includes three components: the remote control unit 214, the main unit 210, and the earphone set 110, where the remote control unit provides controls signals to the main unit and where the earphone set receives audio signals from the main unit) and Allen (i.e., a system for limiting the bandwidth of speech signals and determining silent intervals of the speech signals to insert data signals) does not render claim 28 obvious.

Claims 29 and 31 are dependent upon claim 28 and introduce additional patentable subject matter. The applicant believes that the reasons that distinguish claim 28 over the present rejection are applicable in distinguishing claims 29 and 31 over the same rejection.

Claim 33 includes similar limitations as claim 19. As such, the applicant believes that the reasons that distinguish claim 19 over the present rejection are applicable in distinguishing claim 33 over the same rejection.

Claims 35, 38, and 40 are dependent upon claim 33 and introduce additional patentable subject matter. The applicant believes that the reasons that distinguish claim 33 over the present rejection are applicable in distinguishing claims 35, 38, and 40 over the same rejection.

Claim 42 includes similar limitations as claim 28. As such, the applicant believes that the reasons that distinguish claim 28 over the present rejection are applicable in distinguishing claim 42 over the same rejection.

Claims 43 and 45 are dependent upon claim 42 and introduce additional patentable subject matter. The applicant believes that the reasons that distinguish claim 42 over the present rejection are applicable in distinguishing claims 43 and 45 over the same rejection.

For the foregoing reasons, the applicant believes that claims 1-46 are in condition for allowance and respectfully request that they be passed to allowance.

The Examiner is invited to contact the undersigned by telephone or facsimile if the Examiner believes that such a communication would advance the prosecution of the present invention.

RESPECTFULLY SUBMITTED,

By: /Timothy W. Markison reg. 33,534/
Timothy W. Markison
Phone: (808) 665-1725
Fax No. (808) 665-1728

CERTIFICATE OF MAILING

37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner of Patents and Trademarks, Alexandria, Virginia 22313, on the date below:

Date

06/29/2006

Signature

Nicole Hudson